

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Steven James Sturgill,)
)
Plaintiff,)
)
vs.)
)
Williams County, ND Ken Stenberg, and)
Misty Falcon,)
)
Defendants.)

**ORDER DENYING REQUEST FOR
ADDITIONAL INTERROGATORIES
WITHOUT PREJUDICE**

Case No. 4:15-cv-112

Before the court is a “Request for Additional Interrogatories” filed plaintiff on May 25, 2016.

Plaintiff requests leave to serve defendants with 10 additional interrogatories, which he avers are necessitated by defendants answers to his previous interrogatories. Notably, he does not provide the court with any indication as to how many interrogatories he has served upon the parties to date.

On June 8, 2016, Defendants Williams County and Ken Stenberg (“County Defendants”) filed a response to plaintiff’s motion. They advise that, to date, they have been served with one discovery request that can fairly be characterized as an interrogatory. Consequently, they take the position that plaintiff’s request is premature as he has yet to exhaust the 25 interrogatories he is permitted by default under Fed. R. Civ. P. 33(a)(1). In so doing, they advise that they will respond to plaintiff’s additional discovery requests should they be served in a timely manner.

As it does not appear that plaintiff has exhausted the 25 interrogatories he is permitted under the rules and given that the County Defendants have advised they will respond to plaintiff’s 10 interrogatories if timely served, the court finds plaintiff’s request (Doc. No. 57) superfluous and therefore **DENIES** it without prejudice.

IT IS SO ORDERED.

Dated this 9th day of June, 2016.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court